

### **Clean Water Action and Clean Water Fund report on Aquifer Exemptions**

On January 6, 2015, Clean Water Action and Clean Water Fund published an article, "Aquifer Exemptions: A first-ever look at the regulatory program that writes off drinking water resources for oil, gas and uranium profits." In the article, Clean Water Action states that groundwater availability and quality are at risk given a number of provisions in the SDWA and UIC regulations, including the creation of the more flexible SDWA 1425 program for Class II primacy and the aquifer exemption regulations that allow injection into USDWs if it can be determined that the aquifer is not a current source of drinking water and is not expected to be a future source.

The report states that these provisions and their implementation, including state and EPA funding, are not sufficient to address today's challenges, such as increased oil and gas activity, climate change/drought, and population growth. The article cites recent issues with aquifer exemptions in CA. Clean Water asks EPA to take specific steps, regulatory and administrative, to ensure that energy extraction is not prioritized over protecting valuable groundwater resources.

Clean Water Action asks EPA to take the following steps to ensure that energy extraction is not being prioritized over protecting valuable groundwater sources: 1) disclose national inventory of all current and past aquifer exemptions (including location and statement of basis for each determination); 2) reassess EPA's definition of a USDW and aquifer exemption criteria; 3) determine whether all USDWs are being adequately protected (related to California aquifer exemptions); 4) document injection activity in exempted aquifers and where aquifer exemptions have been granted but not utilized; and 5) determine whether SDWA Section 1425 Class II primacy and shared implementation between states and EPA Regions have contributed to problems with the aquifer exemption process.